

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

June 10, 2008

Honorable Dan A. Polster
U.S. District Judge
18B Carl B. Stokes U.S. Courthouse
801 W. Superior Avenue
Cleveland, OH 44113

Re: MDL No. 1909-- IN RE: Gadolinium Contrast Dyes Products Liability Litigation

(See Attached CTO-10)

Dear Judge Polster:

For your information, I am enclosing a copy of a conditional transfer order filed today by the Panel in this matter.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By *Dana L. Stewart*
Deputy Clerk

cc: (See Attached List of Judges)

JUN 10 2008

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: GADOLINIUM CONTRAST DYES PRODUCTS
LIABILITY LITIGATION**

MDL No. 1909

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-10)

On February 27, 2008, the Panel transferred 20 civil actions to the United States District Court for the Northern District of Ohio for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 536 F.Supp.2d 1380 (J.P.M.L. 2008). Since that time, 81 additional actions have been transferred to the Northern District of Ohio. With the consent of that court, all such actions have been assigned to the Honorable Dan A. Polster.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Ohio and assigned to Judge Polster.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Ohio for the reasons stated in the order of February 27, 2008, and, with the consent of that court, assigned to the Honorable Dan A. Polster.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Ohio. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffrey N. Lüthi
Clerk of the Panel

**IN RE: GADOLINIUM CONTRAST DYES PRODUCTS
LIABILITY LITIGATION**

MDL No. 1909

SCHEDULE CTO-10 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #

CASE CAPTION

ARIZONA

AZ 4 08-314

Roger L. Saufley v. General Electric Co., et al.

CALIFORNIA EASTERN

CAE 2 08-1115

Margaret Lee v. General Electric Co., et al.

CAE 2 08-1121

Vickie Jo Karnos v. General Electric Co., et al.

CALIFORNIA NORTHERN

CAN 5 08-2562

David Hilary v. General Electric Co., et al.

FLORIDA MIDDLE

FLM 6 08-795

Randall Boykins, et al. v. General Electric Co., et al.

GEORGIA NORTHERN

GAN 2 08-97

Dorothy Galloway v. General Electric Co., et al.

GAN 4 08-87

Nicholas Brandon Lewis v. General Electric Co., et al.

ILLINOIS SOUTHERN

ILS 3 08-368

Frances Anderson v. General Electric Co., et al.

NEW YORK SOUTHERN

NYS 1 08-4786

Tommy Smith, et al. v. General Electric Co., et al.

NYS 1 08-4787

Alesia Barnes v. General Electric Co., et al.

PENNSYLVANIA WESTERN

PAW 2 08-715

Barbara Martz, etc. v. General Electric Co., et al.

TEXAS EASTERN

TXE 1 08-303

Sophia Perkins v. General Electric Co., et al.

BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

RECEIVED

2008 JUN -3 PM 3:21

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA 9 J.
MDL Docket No. 1909-J.In Re: GADOLINIUM BASED CONTRAST
DYE PRODUCTS LIABILITY ACTION

Notice of Potential Tag-Along Actions

	Date Filed/ Removed	Case	Court and Division	Civil Action No.	Judge
1	05/12/2008	DOMINGO CRUZ DIAZ and RUTH MARY CRUZ vs. BAYER HEALTHCARE LLC; BAYER HEALTHCARE PHARMACEUTICALS, INC.; BERLEX LABORATORIES, INC. a/k/a BERLEX, INC.; SCHERING AG; BAYER AG; BAYER SCHERING PHARMA, AG; SCHERING BERLIN, INC.; BAYER GESELLSCHAFT FUR BETEILIGUNGEN mbH; BAYER PHARMACEUTICALS CORPORATION; GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL: MANAGEMENT GmbH	Northern District of Indiana Fort Wayne Division	1:08-cv- 00131	Hon. James T. Moody

	Date Filed/ Removed	Case	Court and Division	Civil Action No.	Judge
2	05/20/2008	<i>VICKIE JO KARNOS vs. GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE; GE HEALTHCARE, AS; BAYER HEALTHCARE PHARMACEUTICALS, INC.; BAYER AG; BAYER SCHERING PHARMA, AG; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL; MANAGEMENT GmbH</i>	Eastern District of California	2:08-cv- 01121	Hon. - William B. Shubb
3	05/20/2008	<i>ROGER SAUFLEY vs. GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; BAYER HEALTHCARE PHARMACEUTICALS, INC. f/k/a BERLEX, INC. f/k/a BERLEX LABORATORIES, INC.; BAYER SCHERING PHARMA, AG; BAYER AG; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL; MANAGEMENT GmbH</i>	District of Arizona	4:08-cv- 00314	Hon. Cindy K Jorgenson

	Date Filed/ Removed	Case	Court and Division	Civil Action No.	Judge
4	05/21/2008	FRANCES ANDERSON vs. GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; BAYER HEALTHCARE PHARMACEUTICALS, INC. f/k/a BERLEX, INC. f/k/a BERLEX LABORATORIES, INC.; BAYER AG; BAYER SCHERING PHARMA, AG; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL: MANAGEMENT GmbH	Southern District of Illinois	3:08-cv- 00368	Hon. David R Herndon
5	05/21/2008	DAVID HILARY vs. GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; BAYER HEALTHCARE PHARMACEUTICALS, INC. f/k/a BERLEX, INC. f/k/a BERLEX LABORATORIES, INC.; BAYER SCHERING PHARMA, AG; BAYER AG; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL: MANAGEMENT GmbH	Northern District of California	5:08-cv- 02562	Hon. Patricia V. Trumbull

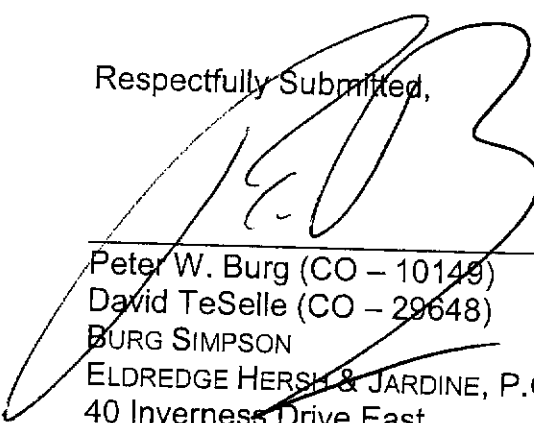
	Date Filed/ Removed	Case	Court and Division	Civil Action No.	Judge
6	05/22/2008	<i>SANDRA BEVILACQUA</i> vs. <i>GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; BAYER HEALTHCARE PHARMACEUTICALS, INC.; BAYER AG; BAYER SCHERING PHARMA, AG; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL: MANAGEMENT GmbH</i>	Northern District of Ohio Eastern District	1:08-gd- 50117	Hon. Dăn A. Polster
7	05/22/2008	<i>DOROTHY GALLOWAY</i> vs. <i>GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS</i>	Northern District of Georgia Gainesville Division	2:08-cv- 00097	Hon. William C. O'Kelley

	Date Filed/ Removed	Case	Court and Division	Civil Action No.	Judge
8	05/22/2008	NICHOLAS BRANDON LEWIS vs. GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; BAYER CORPORATION; BAYER HEALTHCARE, LLC; BAYER HEALTHCARE PHARMACEUTICALS, INC.; BAYER AG; BAYER SCHERING PHARMA, AG; BAYER PHARMACEUTICALS CORPORATION; BAYER GESELLSCHAFT FUR BETEILIGUNGEN mbH; SCHERING AG; SCHERING BERLIN, INC.; BERLEX LABORATORIES, INC.; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL: MANAGEMENT GmbH	Northern District of Georgia	4:08-cv- 00087	Hon. Harold L. Murphy

	Date Filed/ Removed	Case	Court and Division	Civil Action No.	Judge
9	05/27/2008	BARBARA MARTZ vs. GENERAL ELECTRIC COMPANY; GE HEALTHCARE, INC.; GE HEALTHCARE, AS; BAYER HEALTHCARE PHARMACEUTICALS, INC.; BAYER AG; BAYER SCHERING PHARMA, AG; MALLINCKRODT, INC.; BRACCO DIAGNOSTICS INC.; BRACCO RESEARCH USA, INC.; ALTANA PHARMA AG; and NYCOMED INTERNATIONAL: MANAGEMENT GmbH	Western District of Pennsylvania Pittsburgh Division	2:08-cv- 00715	Hon. Alan N. Bloch

Dated: May 29, 2008.

Respectfully Submitted,



Peter W. Burg (CO - 10148)
David TeSelle (CO - 29648)
BURG SIMPSON
ELDREDGE HERSH & JARDINE, P.C.
40 Inverness Drive East
Englewood, CO 80112
(303) 792-5595
(303) 708-0527 (facsimile)

CERTIFICATE OF SERVICE

I, Peter W. Burg, of BURG SIMPSON ELDREDGE HERSH & JARDINE, P.C., hereby certify that on May 29, 2008, I caused a true and correct copy of the foregoing **Notice of Potential Tag-Along Actions** to be served via U.S. Mail, on the following Clerks of Court and counsel of record:

CLERKS OF COURTS:

Clerk, District of Northern Indiana (Fort Wayne)
U.S. District Court Clerk's Office
1300 S. Harrison St.
Fort Wayne, IN 46802

Clerk, Eastern District of California (Sacramento)
U.S. District Court Clerk's Office
501 I Street, Suite. 4-200
Sacramento, CA 95814

Clerk, District of Arizona (Tucson)
U.S. District Court Clerk's Office
Evo A. DeConcini U.S. Courthouse
405 W. Congress Street, Suite 1500
Tucson, AZ 85701-5010

Clerk, Southern District of Illinois (East St. Louis)
U.S. District Court Clerk's Office
750 Missouri Avenue
East St. Louis, IL 62201

Clerk, Northern District of California (San Jose)
U.S. District Court Clerk's Office
280 South 1st Street
San Jose, CA 95113

Clerk, Northern District of Ohio (Cleveland)
U.S. District Court Clerk's Office
Carl B. Stokes United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113-1830

Clerk, Northern District of Georgia (Gainesville)
U.S. District Court Clerk's Office
Federal Building
121 Spring Street, S.E., Room 201,
Gainesville, Georgia 30501

Clerk, Northern District of Georgia (Rome)
U.S. District Court Clerk's Office
600 East First Street, Suite 304
Rome, Georgia 30161

Clerk, Western District of Pennsylvania (Pittsburgh)
U.S. District Court Clerk's Office
United States Courthouse
700 Grant Street
Pittsburgh, PA 15219

Janet Abaray
Burg Simpson Eldredge Hersh &
Jardine, P.C.
312 Walnut Street, Suite 2090
Cincinnati, OH 45202
**Counsel for Plaintiffs Margaret and
Paul Frazier**

Deborah Moeller
Shook Hardy & Bacon LLP
2555 Grand Blvd.
Kansas City, MO 64108-2613
**Counsel for Defendants Mallinckrodt,
Inc. and Tyco Healthcare Group, LP**

Philip Bohrer
Bohrer Law Firm LLC
8712 Jefferson Highway, Suite B
Baton Rouge, LA 70809
Counsel for Plaintiff William Clark

Roger E. Booth
Booth & Koskoff
18411 Crenshaw Blvd., Suite 380
PO Box 6430
Torrance, CA 90504
**Counsel for Plaintiff Cynthia Kay
Mitchell**

Peter J. Brodhead
Spangenberg Shibley & Liber LLP
1900 East Ninth Street, Suite 2400
Cleveland, OH 44114
**Counsel for Plaintiffs Ronald Corken,
III; Jeanetta Deason; Gwendolyn
Dennis; Carolyn Hall (Exe/Est. -
Gregory Lee); Beverly Rockwell
(Adm/Est. - Trevor A. Drake); Lance
Voeltner; John Walker and Marilyn
Walker**

Paul T. Carroll, III
Carroll & Associates
111 Bridgepoint Plaza, Suite 110
PO Box 276
Rome, GA 30162-0276
**Counsel for Plaintiff Mary Davis
(Ind/Exe/Est - Rupert L.)**

Michelle M. Fujimoto
Shook Hardy & Bacon LLP
5 Park Plaza, Suite 1600
Irvine, CA 92614
**Counsel for Defendant Tyco
Healthcare**

Barry M. Hill
Hill Williams PLLC
89 Twelfth Street
Wheeling, WV 26003
**Counsel for Plaintiffs James
Babione; Jerry Henley; Lynne
Hensley; Donna Lee; Kerry Kurt
Phillips; Linda Phillips; Patricia
Rodriguez; Ray Rodriguez**

Lee J. Hollis
Hollis Law Firm PA
5100 W. 95th Street
Prairie Village, KS 66207
**Counsel for Plaintiffs Abraham
Showalter and Mary Ann Showalter;
Chester Dlugopolski, II**

Gerald D. Jowers, Jr.
Janet Jenner & Suggs LLC
500 Taylor Street, Suite 301
Columbia, SC 29201
Counsel for Plaintiff Anna White

Marsha M. Piccone
Wheeler Trigg Kennedy LLP
1801 California Street, Suite 3600
Denver, CO 80202
Counsel for Defendant Novation, LLC

K. Doug Perrin
Perrin Law Firm PC
1401 Elm Street, Suite 1965
Dallas, TX 75202
**Counsel for Plaintiffs Lloyd Massie
and Pamela Massie (Ind/Rep/Est -
Neal)**

Charles F. Preuss
Drinker Biddle & Reath LLP
50 Fremont Street, 20th Floor
San Francisco, CA 94105
**Counsel for Defendant Berlex Labs,
Inc.**

Schering Healthcare, Ltd.
400 Morgan Lane
West Haven, CT 06516-4175
Defendant Schering Healthcare, Ltd.

Amy W. Schulman
DLA Piper US LLP
1251 Avenues of the Americas, 27th Fl.
New York, NY 10020-1104
**Counsel for Defendants GE
Healthcare Bio-Sciences Corp.; GE
Healthcare, Inc.; General Electric Co.**

Thomas N. Sterchi
Baker Sterchi Cowden & Rice, LLC
2400 Pershing Road, Suite 500
Kansas City, MO 64108-2533
**Counsel for Defendant Bracco
Diagnostics, Inc.**

Irwin B. Levin
Jeff S. Gibson
Cohen & Malad LLP
One Indiana Square Suite 1400
Indianapolis, IN 46206-0627
Counsel for Plaintiff Domingo Cruz Diaz

Susan M. Sharko
Drinker Biddle & Reath LLP
500 Campus Drive
Florham Park, NJ 07932-1047
**Counsel for Defendants Bayer Corp.;
Bayer Healthcare Pharmaceuticals,
Inc.; Bayer Healthcare, LLC; Bayer
Pharmaceuticals Corp.**

Tarek Ismail
Bartlit Beck Herman Palenchar & Scott
LLP
Courthouse Place
54 West Hubbard Street
Chicago, IL 60610

Lauren A. Sobel
Senior Counsel
Novation, LLC
220 East John Carpenter Freeway
Irving, TX 75062

Timothy S. Coon
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Fl.
Pittsburgh, PA 15219

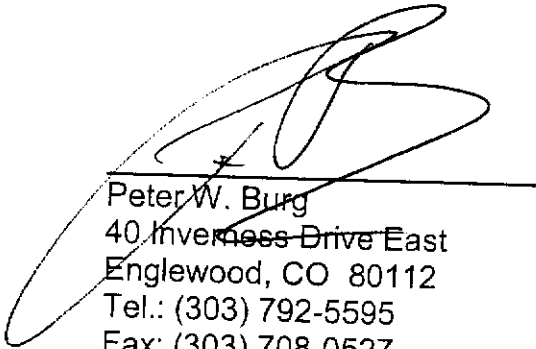
Richard Leo Kellner
Kabateck Brown Keller LLP
644 South Figueroa Street
Los Angeles, CA 90071
**Counsel for Plaintiff Vickie Jo Karnos
and David Hilary**

Perry Lee Goorman
Law Office of Perry L. Goorman
2415 E. Camelback Road, Ste. 700
Phoenix, AZ 85016-4245
Counsel for Plaintiff Roger Saufley

Kristine K. Kraft
Schlichter, Bogard et al. – St. Louis
100 South Fourth Street, Suite 900
St. Louis, MO 63102
Counsel for Plaintiff Frances Anderson

David F. Miceli
Smith Diment Conerly
412 Adamson Square
Carrollton, GA 30117
***Counsel for Dorothy Galloway and
Nicholas Brandon Lewis***

Thomas R. Anapol
Anapol, Schwartz, Weiss, Cohan et al.
1710 Spruce Street
Philadelphia, PA 19103
Counsel for Plaintiff Barbara Martz



Peter W. Burg
40 Inverness Drive East
Englewood, CO 80112
Tel.: (303) 792-5595
Fax: (303) 708-0527